

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

C.A. No. 04CV30241-MAP

MICHAEL F. ERAI,

Plaintiff,

v.

TOWN OF ORANGE,

Defendant

DEFENDANT TOWN OF  
ORANGE'S MOTION FOR  
SUMMARY JUDGMENT  
PURSUANT TO FED.R.CIV.P.56

Now comes the defendant, Town of Orange (the "Town"), and hereby moves for summary judgment on all claims against the Town pursuant to Fed.R.Civ.P.56.

As grounds therefor, the Town states that there are no material issues of fact in dispute, and the Town is entitled to judgment as a matter of law. The Town further relies upon and incorporates herein the Defendant's Local Rule 56.1 Statement of Facts and exhibits thereto, as well as the Memorandum of Law in Support of this Motion for Summary Judgment filed contemporaneously herewith.

WHEREFORE, the Town respectfully requests that this Court grant its Motion for Summary Judgment on all counts of the complaint against it.

DEFENDANT,

TOWN OF ORANGE,

By its attorneys,

/s/ David C. Jenkins  
David C. Jenkins (BBO# 251000)  
Carolyn M. Murray (BBO# 653873)  
Kopelman and Paige, P.C.  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
(617) 556-0007

274632/METG/0538

CERTIFICATE OF SERVICE

I, Carolyn M. Murray, hereby certify that on the below date, I served a copy of the foregoing Defendant, Town of Orange's Motion for Summary Judgment and Statement of Facts Pursuant to Local Rule 56.1 with Exhibits A-F by first class mail, postage prepaid, to the following counsel of record:

Suzanne Garrow, Esq.  
Heisler, Feldman & McCormick, P.C.  
1145 Main Street, Suite 508  
Springfield, MA 01103

Dated: February 28, 2006

/s/ Carolyn M. Murray